



Paper No. 15

PENELOPE S WILSON ESQ  
OFFICE OF THE GENERAL COUNSEL  
EMC CORPORATION  
35 PARKWOOD DRIVE  
HOPKINTON MA 01748-9103

COPY MAILED

NOV 15 2002

OFFICE OF PETITIONS

In re Application of  
Eitan Bachmat  
Application No. 08/833,410  
Filed: April 4, 1997  
Attorney Docket No. 96-108

ON PETITION

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed September 5, 2002 (Certificate of Mailing dated September 16, 2001).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the required issue fee as required in the Notice of Allowance and failure to timely file corrected formal drawings as required in the Notice of Allowability, both mailed December 17, 1999. Both notices set a statutory period of three (3) months from the mailing date of each notice for fee transmittal and for submitting formal drawings. The three month period for reply was not extendable. No issue fee having been received and no corrected formal drawings filed, the above-identified application became abandoned on March 18, 2000. A Notice of Abandonment was mailed on June 22, 2000.

With the instant petition, petitioner paid the petition fee, filed a Request for Continued Examination (RCE) with the required submission in the form of an Information Disclosure Statement (IDS), and made the proper statement of unintentional delay.

It is noted that payment of the issue fee is required "as a condition [for] reviving an application abandoned or patent lapsed for failure to pay the issue fee."<sup>1</sup> While petitioner could have replied to the Notice of Allowance with just an RCE **before the application became abandoned**, once the application is abandoned the issue fee must accompany the RCE. Because petitioner included in his petition an authorization to charge any additional required fees to his deposit account, the issue fee of \$1,280 has been charged to Deposit Account 05-0889.

In addition, the petition fee of \$1,280 and the RCE fee of \$740 have also been charged to petitioner's deposit account, as authorized.

The Associate Power of Attorney filed on May 19, 2002 has been entered and made of record. Future correspondence concerning this application will be forwarded to the above address of record.

<sup>1</sup> MPEP 711.03(c) (III) (A) (1).

The application file is being forwarded to Technology Center 2700 for consideration of the RCE and the submission under 37 CFR 1.114, an IDS filed September 5, 2002.

Telephone inquiries concerning this decision should be directed to the undersigned at (703)305-0272.



Cliff Congo  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy